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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/626,866  | 07/25/2003  | Manuel Brocke-Benz   | WEBER-0005            | 9788             |
| 23599   | 7590        | 02/21/2006           | EXAMINER              |                  |
| MILLEN, WHITE, ZELANO & BRANIGAN, P.C.<br>2200 CLARENDON BLVD.<br>SUITE 1400<br>ARLINGTON, VA 22201 |             |                      | HARPER, LEON JONATHAN |                  |
|   |             |                      | ART UNIT              | PAPER NUMBER     |
|   |             |                      | 2166                  |                  |

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/626,866             | BROCKE-BENZ, MANUEL |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Leon J. Harper         | 2166                |  |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This office action is in response to the application 10626866 filed on 7/25/2003.

Claims 1-19 are pending.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-8,10-16,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030105722 (hereinafter Welt) in view of US 6115690 (hereinafter Wong).

As for claim 1 Welt discloses: System for the processing of order transactions with a data memory (See paragraph 0034 "storage medium"), a recording device which is provided to record order data from a purchaser (See paragraph 0034 "databases contain hard disk floppy optical etc.), a processing unit for the storage of recorded order

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data in the data memory (See paragraph 0035). Welt however differs from the claimed invention in that characterized in that a device is provided for the creation and output of a file, which contains data fields that represent at least some of the order data, and a transmission device for the transmission of the file to the purchaser is not explicitly indicated. Wong however does explicitly disclose characterized in that a device is provided for the creation and output of a file, which contains data fields that represent at least some of the order data(See column 2 lines 43-47). Wong also discloses a transmission device for the transmission of the file to the purchaser (See column 4 lines 23-26) It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Wong into the system of Welt. The modification would have been obvious because transmissions to the purchaser are vital to having a completely electronic transaction, and since there is a problem of fragmentation of information which result in hard copies needing to be reentered (See Wong column 2 lines 43-47).

As for claim 2 the rejection of claim 1 is incorporated, and further Welt discloses: characterized in that the recording device has an access device on which the purchaser can gain access via a data line such as e.g. a network, preferably an Intranet or the Internet (See paragraph 0035).

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As for claim 3 the rejection of claim 2 is incorporated, and further Wong disclose: characterized in that it is provided that the file be transmitted to the purchaser as e-mail (See column 12 lines 17-20).

As for claim 4 the rejection of claim 1 is incorporated, and further It would have been obvious to an artisan of ordinary skill in the pertinent art at the time of the invention to have made the file of claim 1 an ASCII file. The modification would have been obvious because ASCII is a standard code that is built into most microcomputers, and all pc's (See Microsoft computer dictionary definition of ASCII) meaning there is no need for a conversion regardless of the platform used by the purchaser.

As for claim 5 the rejection of claim 1 is incorporated, and further Wong discloses: characterized in that a selection device is provided which can be used to select which order data are stored in the file (See column 28 lines 55-64).

As for claim 6 the rejection of claim 5 is incorporated, and further Wong discloses: characterized in that a selection device is provided with which the sequence of the data fields of the order data in the file can be specified (See column 13 lines 11-16 "the way the user inputs reflects output).

As for claim 7 the rejection of claim 5 is incorporated, and further Wong discloses: characterized in that the selection device is designed to be accessible to the purchaser (See column 13 lines 11-16 "user is purchaser).

As for claim 8 the rejection of claim 1 is incorporated, and further Welt discloses: characterized in that an identification device is provided to identify the purchaser (See paragraph 0051).

Claims 10-12 are method claims corresponding to the system claims 1-3 respectively and are thus rejected for the same reasons as set forth in the rejection of claims 1-3.

As for claim 13 the rejection of claim 10 is incorporated, and further Wong discloses: Selection of some of the order data by the purchaser (See column 13 lines 45-49), a file which contains at least the selected part of the order data being created in step 2 (See column 19 line 66- column 20 4).

As for claim 14 the rejection of claim 10 is incorporated and further Wong discloses: Selection of the configuration of individual data fields of the order data by the user (See column 13 lines 45-49), a file in which the data fields of the order data are stored in the configuration selected by the user being created in step 2). (See column 28 lines 55-64)

As for claim 15 the rejection of claim 10 is incorporated, and further Wong discloses: Selection of a file format by the purchaser, the file being created in the format selected by the purchaser in step 2) (See figure 62 and column 25 lines 26-30).

As for claim 16 the rejection of claim 10 is incorporated, and further Welt discloses: identification of the purchaser takes place before step 2 (See paragraph 0051).

As for claim 19 the rejection of claim 10 is incorporated, and further Wong discloses: wherein the purchaser is informed which format the file created in step 2) has and/or which data fields are contained in the file created in step 2) and/or in what sequence the individual data (See figure 80 "answers tell sequence")

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welt and Wong as applied to claim 8 above, and further in view of US 6298348 (hereinafter Elder).

As for claim 9 the rejection of claim 8 is incorporated, and further Welt and Wong do not explicitly disclose a profile recording device is provided to record the parts of the order data desired by the purchaser and also the sequence of the order data in the file and to store the recorded profile data in the data memory, the profile data preferably

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being linked to identification data. Elder however does disclose: a profile recording device is provided to record the parts of the order data desired by the purchaser (See column 5 lines 59-63) and also the sequence of the order data in the file and to store the recorded profile data in the data memory (See column 5 line 65 – column 6 line 6), the profile data preferably being linked to identification data (See column 7 lines 33-37). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Elder into the system of Welt and Wong. The modification would have been obvious because a consumer profile will make the system of Welt and Wong exponentially faster since the purchaser will not have to bother inputting the same information each time they want to make a purchase.

Claims 17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welt and Wong as applied to claim 10 above, and further in view of US 6298348 (hereinafter Elder).

As for claim 17 Welt and Wong do not explicitly disclose the storage of a purchaser profile which allocates to the purchaser the data format selected by the purchaser and/or the data fields of the order data selected by the purchaser and/or the configuration of the data fields in the file selected by the purchaser. Elder however does disclose the storage of a purchaser profile which allocates to the purchaser the data format selected by the purchaser and/or the data fields of the order data selected by the



purchaser and/or the configuration of the data fields in the file selected by the purchaser (See column 7 lines 20-25 "past purchases affect format"). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Elder into the system of Welt and Wong. The modification would have been obvious because a consumer profile will make the system of Welt and Wong exponentially faster since the purchaser will not have to bother inputting the same information each time they want to make a purchase.

As for claim 18 the rejection of claim 17 is incorporated, and further Elder discloses a purchaser profile (See abstract and column 6 lines 9-14). Wong discloses: characterized in that a file with the selected data format and/or with the order data selected by the purchaser and/or with the configuration of the data fields in the file selected by the purchaser is created in step 2 (See column 13 lines 11-16).

### ***Information***

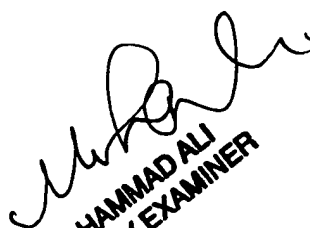
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LJH  
Leon J Harper  
2/14/06

  
MOHAMMAD ALI  
PRIMARY EXAMINER